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UNITED STATES PATENT AND TRADEMARK OFFICE
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/854,304	05/11/2001	Robert J. Bernardi	18864-04962US

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

CONFIRMATION NO. 7812
FORMALITIES LETTER



OC00000006285340

Date Mailed: 07/11/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

SP

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/13/2001 EABUBAK1 00000075 09854304

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130.00 0P



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PATENT

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S): Robert J. Bernardi, Steven F. Burson, Lawrence Gollbach, and Allen Woo

APPLICATION NO.: 09/854,304

FILING DATE: May 11, 2001

TITLE: AUTO-ADJUST NOISE CANCELING MICROPHONE WITH POSITION SENSOR

EXAMINER: Not Yet Known

GROUP ART UNIT: 2644

ATTY. DKT. NO.: 18864-04962US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: SEPTEMBER 7, 2001

By: Martin S.C. Loui
Martin S.C. Loui, Reg. No. 43,411

BOX MISSING PARTS
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION**

SIR:

Responsive to the Notice to File Missing Parts dated July 11, 2001 received in the above-identified patent application,

Enclosed are:

- a copy of the Notice to File Missing Parts;
- an original, signed Declaration;
- an original, signed Power of Attorney;
- an Application Data Sheet;
- payment in the amount of \$130.00 for the

- application filing fee;
- fee for additional claims; and
- missing parts surcharge.

Other

Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,
ROBERT J. BERNARDI, *et al.*

Dated: SEPTEMBER 7, 2001

By: Martin S.C. Loui
Martin S.C. Loui, Reg. No.: 43,411
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PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031

SECTOR
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Department of Commerce
Patent and Trademark Office

Rev. 10/95

TRANSMITTAL FORM

(to be used for all correspondence during pendency of filed application)

U.S. Department of Commerce Patent and Trademark Office		Application Number	09/854,304
		Filing Date	May 11, 2001
		First Named Inventor	Robert J. Bernardi
		Group Art Unit Number	2644
		Examiner Name	Not Yet Known
Total Number of Pages in This Submission	11	Attorney Docket Number	18864-04962US

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input checked="" type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s):
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> [] Sheet(s) of Figure(s) []
<input checked="" type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Power of Attorney	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Request for Corrected Filing Receipt	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>

REMARKS:

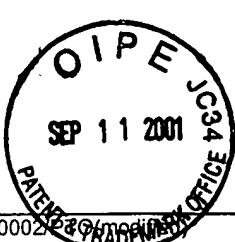
SIGNATURE OF ATTORNEY OR AGENT

Signature:	<i>Martin S.C. Loui</i>
Attorney/Reg. No.:	Martin S.C. Loui, Reg. No. 43,411
Dated: SEPTEMBER 7, 2001	

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	<i>Martin S.C. Loui</i>
Typed or Printed Name:	Martin S.C. Loui
Express Mail Mailing Number (optional):	
Dated: SEPTEMBER 7, 2001	



PTO/SB/17 (10-00)(modified)
Approved for use through 09/29/01, OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002270	U.S. Department of Commerce Patent and Trademark Office	Complete if Known	
Rev. 10/2000		Application Number	09/854,304
FEETRANSMITTAL		Filing Date	May 11, 2001
TOTAL AMOUNT OF PAYMENT		First Named Inventor	Robert J. Bernardi
Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$130.00)		Group Art Unit	2644
		Examiner Name	Not Yet Known
		Attorney Docket Number	18864-04962US

METHOD OF PAYMENT		FEE CALCULATION (continued)		
1. The Commissioner is hereby authorized to:		3. ADDITIONAL FEES		
<input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. ¹ <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		Large Entity	Small Entity	Fee Description
		Fee Code/Fee	Fee Code/Fee	Fee Due
		105/\$130	205/\$65	Surcharge - late filing fee or oath 130
		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet
		147/\$2,520	147/\$2,520	For filing a request for reexamination
		115/\$110	215/\$55	Extension for response within first month ¹
		116/\$390	216/\$195	Extension for response within second month ¹
		117/\$890	217/\$445	Extension for response within third month ¹
		118/\$1,390	218/\$695	Extension for response within fourth month ¹
		128/\$1,890	228/\$945	Extension for response within fifth month ¹
		119/\$310	219/\$155	Notice of Appeal
		141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application
		142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)
		143/\$440	243/\$220	Design Issue Fee
		122/\$130	122/\$130	Petitions to the Commissioner
		126/\$180	126/\$180	Submission of Information Disclosure Statement
		179/\$710	279/\$355	Request for Continued Examination (RCE)
		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)
		146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))
		149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))
		Other fee (specify):		
		Other fee (specify):		
		SUBTOTAL (3) (\$ 130)		
2. CLAIMS				
Large Entity	Small Entity	Fee Description		
Fee Code/Fee	Fee Code/Fee			
103/\$18	203/\$9	Claims in excess of 20		
102/\$80	202/\$40	Independent claims in excess of 3		
104/\$270	204/\$135	Multiple dependent claim		
109/\$80	209/\$40	Reissue independent claims over original patent		
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent		
		(Col. 1)	(Col. 2)	(Col. 3)
		For	No. of Existing Claims	Highest No. Previously Paid For
		TOTAL		20 or 0
		INDEP		3 or 0
			minus*	=
				x
				=
				0
				=
				0
				=
				0
[] First presentation of multiple dependent claim				
* Subtract the greater number of Col. 2				
** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3				
SUBTOTAL (2) (\$.00)				

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Martin S.C. Loui	Reg. Number	43,411
Signature	<i>Martin S.C. Loui</i>	Date	SEPTEMBER 7, 2001

¹ Requests for Extension of Time per 37 CFR 1.136 (a)(3) made hereby